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Debra M. Szumowski  
Name

Signature

DOCKET: CU-4618

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Stefan G. PIERZYNOWSKI et al

SERIAL NO: 10/562,953

Group Art Unit: 1614

FILING DATE: December 30, 2005

Examiner:  
Blakely, III, N.C.TITLE: USE OF ALPHA-KETOGLUTARIC ACID FOR THE  
TREATMENT OF MALNUTRITION OR HIGH PLASMA  
GLUCOSE CONDITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ASSERTION OF SMALL ENTITY STATUS  
& REQUEST FOR REFUND UNDER 37 CFR 1.28(a)**

Dear Sir:

The applicant claims **SMALL ENTITY STATUS** (see 37 CFR 1.27).

This request for refund is being made within three months of the date of payment of the three month extension fee and RCE fee paid in this application on February 16, 2010.

Please refund one-half of said fees, namely \$960 (\$555 and \$405), and credit the same to our Deposit Account No. 12-0400.

Respectfully submitted,

Attorney for Applicant

Zareefa B. Flener, Reg. 52896  
c/o Ladas & Parry LLP  
224 South Michigan Avenue  
Chicago, Illinois 60604  
(312) 427-1300

March 8, 2010

Date

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FEB 16 2010

PTO/SB/06 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/562,953
Filing Date	12/30/2005
First Named Inventor	Stephan G. Pierzynowski et al.
Art Unit	1614
Examiner Name	Blakely III, Nelson Clarence
Attorney Docket Number	CU-4618

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply      iii.  Information Disclosure Statement (IDS)  
ii.  Affidavit(s)/ Declaration(s)      iv.  Other \_\_\_\_\_

2. **Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 12-0400

i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	4810	03/12/2010	SDIRETA1	00000009	1204-0	10562953
ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	4110.00	01 FC:2801				
iii. <input type="checkbox"/> Other _____						
b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed						
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)						

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	Zareefa B. Flemer	Date	2-16-2010
Name (Print/Type)	Zareefa B. Flemer	Registration No.	52,896

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	Zareefa B. Flemer	Date	2-16-2010
Name (Print/Type)	Zareefa B. Flemer	Registration No.	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 03/12/2010 SDIRETA1  
02/19/2010 JVONG1 00000077 120400 10562953

02 PAGES/0/15 \* RCVD AT 02/16/2010 3:18:37 PM (Eastern Standard Time) \* SVR:USPTO-EFXRF-6/13 \* DNI:2738300 \* CSID:312 427 6663 \* DURATION (mm:ss):03:08

02/19/2010 JVONG1 00000077 120400 10562953  
02 FC:1801 810.00 DA

Application Serial No. 10/562,935  
Response to Office Action dated August 17, 2009FEB 16 2010 PATENT  
Docket: CU-4618IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR:	Stephan G. Pierzynowski et al.	)
APPLICANT:	Essentys AB	) EXAMINER: Blakely III, Nelson
SERIAL NO:	10/562,953	Clarence
FILED:	12/30/2005	)
TITLE:	Use of Alpha-Ketoglutaric Acid for the Treatment of Malnutrition or High Plasma Glucose Condition	
Attorney	CU-4618	
Docket No.		

Mail Stop RCE  
 COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

REQUEST FOR A THREE (3) MONTH EXTENSION

Sir:

With reference to the Office Action dated August 17, 2009, the Applicant respectfully requests a three-month extension of the response term. The Commissioner is authorized to charge our Deposit Account No. 12-0400 in the amount of \$1110, to cover the fee for this three (3) month extension, or any required fees in excess of the amount submitted, or credit any overpayment.

Adjustment date: 03/12/2010 SDIRETA1  
 02/19/2010 JVONG1 00000077 120400 10562953  
 01 FC:1253 1110.00 CR

Respectfully submitted,



Zareefa B. Flener, Pat. Reg. No. 52,896  
 Attorney for Applicant

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02/19/2010 JVONG1 00000077 120400 10562953  
 01 FC:1253 1110.00 DA

3/12/2010 SDIRETA1 00000009 120400 10562953  
 01 FC:2253 555.00 DA